

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

DAVID WESLEY,

Plaintiff,

-v-

9:08-CV-953 (NAM/DEP)

NANCY O'CONNOR-RYERSON,

Defendant.

APPEARANCES:

DAVID WESLEY
07-A-4840
Auburn Correctional Facility
P.O. Box 618
Auburn, New York 13021
Plaintiff, *Pro Se*

HON. ERIC T. SCHNEIDERMAN, Attorney General of the State of New York
RICHARD LOMBARDO, ESQ., Assistant Attorney General
State of New York
The Capitol
Albany, New York 12224

Hon. Norman A. Mordue, Chief U.S. District Judge:

MEMORANDUM-DECISION AND ORDER

Plaintiff, an inmate in the custody of the New York State Department of Corrections and Community Supervision ("DOCCS"), brought this action for compensatory and punitive damages under 42 U.S.C. § 1983. Plaintiff alleges that defendant, a nurse practitioner, was deliberately indifferent to his serious medical needs. Defendant moves (Dkt. No. 60) for summary judgment.

Upon referral pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 72.3(c), United States Magistrate Judge David E. Peebles issued a Report and Recommendation (Dkt. No. 67)

recommending that this Court grant summary judgment and dismiss the action in its entirety.

Plaintiff objects (Dkt. No. 68). Given the nature of plaintiff's objections, the Court reviews the matter *de novo*. See 28 U.S.C. § 636(b)(1)(C).

Upon *de novo* review, the Court concludes that the Report and Recommendation is correct in all respects. Therefore, the Court accepts the Report and Recommendation, grants defendant's motion for summary judgment, and dismisses the action on the merits.

It is therefore

ORDERED that the Report and Recommendation (Dkt. No. 67) of United States Magistrate Judge David E. Peebles is accepted; and it is further

ORDERED that defendant's motion for summary judgment (Dkt. No. 60) is granted; and it is further

ORDERED that the action is dismissed on the merits; and it is further

ORDERED that the Clerk serve copies of this Memorandum-Decision and Order in accordance with the Local Rules of the Northern District of New York.

IT IS SO ORDERED.

Date: December 7, 2011
Syracuse, New York


Norman A. Mordue
Chief United States District Court Judge